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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
ROBERT T. MATSUI FEDERAL COURTHOUSE

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

JEFFREY MACOMBER, in his official
capacity as Secretary of the California
Department of Corrections and Rehabilitation,

Defendants.

COUNTY OF AMADOR, a public agency of
the State of California,

Plaintiff,

v.

JEFFREY MACOMBER in his official
capacity as Secretary of the California
Department of Corrections and Rehabilitation;
PATRICK COVELLO in his official capacity
of Warden of California Department of
Corrections and Rehabilitation Mule Creek
State Prison; and CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION,

Defendants.

Case No. 2:20-cv-02482-WBS-AC
[Consolidated with 2:21-cv-00038-WBS-
AC]

**DECLARATION OF REBECCA
ANDREWS IN SUPPORT OF
PLAINTIFFS' JOINT REQUEST TO
MODIFY FINAL PRETRIAL ORDER,
ECF 110**

Dept: 5
Judge: William B. Shubb
Trial Date: June 6, 2023
Action Filed: January 7, 2021

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1 I, Rebecca Andrews, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I am a
3 Partner with Best Best & Krieger LLP, attorneys of record for Plaintiff County of Amador in this
4 action. I am familiar with the proceedings and the files maintained in my office in connection
5 therewith. I have personal knowledge of the facts set forth in this declaration, and if called as a
6 witness, could competently testify to all matters set forth herein.

7 2. On February 3, I sent an email to counsel for Defendants, which included the text
8 for a proposed stipulation regarding “undisputed facts” and the admissibility of exhibits included
9 in an appendix (the “exhibits”), which are the same as those included in Exhibit C to the Final
10 Pretrial Order in this case, ECF 110 (the “Order”).

11 3. On February 10, 2023, counsel for Defendants, William Marsh, provided a redline
12 to the stipulation, which proposed limiting the stipulation regarding the admissibility of the
13 exhibits to address only the authenticity of such exhibits; and reserved the right to further revise
14 the stipulation pending Defendants’ review of the exhibits.

15 4. On March 7, 2023, I sent a follow up email to counsel for Defendants requesting a
16 response regarding the authenticity of the exhibits.

17 5. On March 24, 2023, counsel for Defendants replied, stating, “We have been
18 reviewing the numerous documents and information included in the appendix and expect to have
19 detailed feedback for you soon. In the meantime, we have attached our initial list of documents
20 for your review and consideration for addition to the appendix.”

21 6. On March 28, 2023, I responded to the March 24 email requesting a response by
22 the end of the week.

23 7. On March 29, 2023, the parties received the Order, which included deadlines that
24 had already passed and limited witnesses to those listed in the Order without a stipulation from all
25 parties.

26 8. On March 31, 2023, counsel for the parties met and discussed the impact of the
27 Order. Later that same day, in accordance with paragraph VII.(D)(1), (D)(3), I sent an email to
28

1 counsel for Defendants requesting a stipulation to include as exhibits certain documents
2 Defendants and Plaintiffs produced after the pretrial conference in this case.

3 9. On April 3, 2023, counsel for Defendants indicated they will not object on the
4 grounds of authenticity to the documents Defendants produced after the pretrial conference. This
5 response also stated, “we are wrapping up the list of Defendants’ proposed exhibits to be included
6 in Appendix 1 of the stipulation previously circulated.”

7 10. On April 11, 2023, after receiving no further response from Defendants regarding
8 the authenticity of the exhibits, I sent a message to counsel for Defendants indicating that if
9 Defendants intend to reserve the right to raise foundational objections to the exhibits Plaintiffs
10 provided on February 3, that Defendants stipulate to adding foundational witnesses to plaintiffs’
11 witness list. I requested a response by 10 am the following morning, at which time, Plaintiffs
12 would proceed with seeking a modification to the Order to add these witnesses to the Order if no
13 substantive response was received.

14 11. On April 11, 2023, counsel for Plaintiffs indicated that they would not have time
15 to provide a substantive response before the deadline for seeking a modification to the Order as
16 set forth in paragraph XIV.

17
18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed this 12th day of April, 2023, at Houston, Texas.

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22
23 
24 Rebecca Andrews